IN THE UNITED STATES DISTRICT COURT FOR THE EASTER DISTRICT OF NORTH CAROLINA WESTERN DIVISION

TERRY PERKINSON,)
Plaintiff,)))
v.)
LELAND DUDEK ¹ , Acting Commissioner of Social Security,) Civ. No. 5:23-CV-000461-D-BM
Defendant.	j ,

ORDER

Plaintiff's counsel filed a motion for attorney's fees under 42 U.S.C. § 406(b) in the amount of \$35,538.25.

Defendant filed a reply to the Motion noting that under *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

It is ORDERED that Laura Beth Waller is awarded fees under 42 U.S.C. § 406(b) in the amount of \$ 35,606 , and, if applicable, ordered to refund to Plaintiff the smaller award between this amount and the amount counsel previously received under the EAJA.

SO ORDERED. This 3 1 day of March, 2025.

JAMES C. DEVER III
United States District Judge

¹Leland Dudek became the Acting Commissioner of Social Security on February 16, 2025. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Leland Dudek should be substituted for Michelle King as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).